



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/902,449 07/29/97 CHEATHAM

J TMI-1

G DONALD WEBER JR
333 CITY BLVD WEST
SUITE 1610
ORANGE CA 92868

PM11/0211

EXAMINER

VANAMAN, F

ART UNIT

PAPER NUMBER

3611

DATE MAILED:

02/11/99

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

08/902,449

Applicant(s)

Cheatham et al.

Examiner

Frank Vanaman

Group Art Unit

3611



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Feb 1, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☒ will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The further limitations added to claim 2 have not previously been considered. (see attached sheet for further discussion)

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-3, 5, 7-9, and 13-17

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☒ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☒ Other See attached sheet for further discussion.

JJ Swann
JJ Swann
Supervisory Patent Examiner
Technology Center 3600

Art Unit: 3611

Attachment to Advisory Action

1. Applicant's amendment after Final rejection has not been entered.

Information Disclosure Statement

2. The information disclosure statement filed Feb 1, 1999 with the proposed amendment fails to comply with 37 CFR 1.97(d) because:
 - a. it lacks a statement as specified in 37 CFR 1.97(e);
 - b. lacks a petition requesting consideration of the information disclosure statement;
 - c. lacks the petition fee set forth in 37 CFR 1.17(I);

It has been placed in the application file, but the information referred to therein has not been considered.

Comments

3. Applicant's remarks in the proposed amendment are noted, but are not persuasive in that there is no support in the original specification for the benefits associated with the work-hardening which may accompany a coining process. The original specification refers to an *extruding* process and simply discloses on page 4, line 15: "(This process is sometimes referred to as coining.)", implying equivalence between the two terms and without raising any distinction between an extruding process and a coining process. The reference of Monroy refers to an extruded frame element including the thickened areas (later selectively machined) created by the extruding process. Further, the machining process referred to by Monroy is used to remove the extruded material where the spacers are *not* required, the original material, still present, which forms the bosses having been initially formed by the extruding process.

Conclusion

The location of this application in the PTO has changed; note the new address below. Inquiries and communications should be directed to Group Art Unit 3611. Note the new Examiner and Receptionist telephone numbers and fax numbers.

Art Unit: 3611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "PROPOSED" or "DRAFT")

FRANK B. VANAMAN

Patent Examiner

Art Unit 3611

Frank Vanaman

February 10, 1999

FBV 2/10/99